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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOHN TILLEY,

Plaintiff,

v.

ISIDRO BACA et al.,

Defendants.

Case No. 3:18-cv-00253-MMD-WGC

ORDER

**I. DISCUSSION**

On May 31, 2018, Plaintiff, a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 but did not file an application to proceed *in forma pauperis* or pay the full filing fee for this matter. (ECF Nos. 1, 1-1). On June 1, 2018, this Court issued an order directing Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full filing fee within 30 days from the date of that order. (ECF No. 3). Plaintiff subsequently filed an application to proceed *in forma pauperis*. (ECF No. 4). However, the Court denied the application without prejudice because the application was incomplete. (ECF No. 5). Specifically, the Court noted that Plaintiff had not submitted a financial certificate or an inmate account statement and granted Plaintiff another 30 days to file a fully complete application to proceed *in forma pauperis*. (*Id.* at 1-2). On July 24, 2018, Plaintiff filed a financial certificate but did not submit an inmate account statement. (ECF No. 6). As such, Plaintiff’s application is still incomplete.

1 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must  
2 complete an application to proceed *in forma pauperis* and attach both an inmate account  
3 statement for the past six months and a properly executed financial certificate. Plaintiff  
4 has not submitted an inmate account statement. (See ECF Nos. 4, 6). The Court will  
5 retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of  
6 the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to  
7 cure the deficiencies of his application to proceed *in forma pauperis* by filing an inmate  
8 account statement, or in the alternative, pay the full filing fee for this action. If Plaintiff  
9 fails to file an inmate account statement, the Court will dismiss the case in its entirety,  
10 without prejudice, to file a new case when Plaintiff is able to acquire the necessary  
11 documents to file a complete application to proceed *in forma pauperis*.

## 12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL  
14 SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner,  
15 as well as the document entitled information and instructions for filing an *in forma pauperis*  
16 application.

17 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
18 Plaintiff shall either: (1) file an inmate account statement in compliance with 28 U.S.C. §  
19 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
20 fee and the \$50 administrative fee).

21 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account  
22 statement, the Court will dismiss the case, without prejudice, for Plaintiff to file a new case  
23 when he is able to acquire the necessary documents to file a complete application to  
24 proceed *in forma pauperis*.

25  
26 DATED THIS 27th day of August 2018.

27 Walter G. Cobb  
28 UNITED STATES MAGISTRATE JUDGE